

REMARKS

Claims 1-22 are pending and stand rejected. All pending claims 1-22 are believed to be allowable over the references cited by the Examiner as discussed below. Accordingly, a Notice of Allowance for the present application is respectfully requested.

Rejections Under 35 U.S.C. §102(e)

Claims 1, 5, 7, 8, 9, 11, 12, 17-20, and 22 stand rejected under 35 U.S.C. §102(e) as being anticipated by Dewan.

Independent claim 1 recites a method that generally includes detecting voice activity on a receive and/or transmit channel, outputting voicing decision outputs based on the detecting, *storing the voicing decision outputs* over a period of time to memory, and generating a voice activity *performance metric based on the voicing decision output* stored in the memory.

Independent claim 12 recites a system that generally includes a voice activity detector (VAD) configured to detect voice activity on a receive and/or transmit channel, a memory to store *outputs from the VAD*, and a voice activity analyzer configured to generate a *performance metric based on the VAD outputs stored in the memory*.

Dewan discloses a system that determines whether to record calls based on base values established during an initial period of the call (block 304 in FIG. 3). If characteristics of the remainder of the call deviates from the base values determined during the initial call period, the call is stored and a supervisor is alerted (block 310 in FIG. 3). Otherwise, the call is discarded so as to conserve memory space (block 308 in FIG. 3).

Dewan does not store voice decision outputs nor does Dewan generate a *performance metric based on the voicing decision output*. Rather,

It is the calls that are stored in memory, not the voicing decision outputs over a period of time, as generally recited in the claims. No performance metric based on voice decision outputs (or outputs from the voice activities detector) is ever generated, much less stored.

Withdrawal of the rejection of independent claims 1 and 12 as well as dependent claims 5, 7, 8, 9, 11, 17-20, and 22 under 35 U.S.C. §102(e) is respectfully requested.

Rejections Under 35 U.S.C. §103

Claims 2-4, 6, 10, 13-16, and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dewan in view of Maloney.

However, Maloney does not make up for the deficiencies of Dewan discussed above. Thus dependent claims 2-4, 6, 10, 13-16, and 21 are at least allowable for the same or similar reasons that independent claims 1 and 12 are believed to be allowable, as discussed above.

Withdrawal of the rejection of claims 2-4, 6, 10, 13-16, and 21 under 35 U.S.C. §103(a) is respectfully requested.

CONCLUSION

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

In the unlikely event that the transmittal letter accompanying this document is separated from this document and the Patent Office determines that an Extension of Time under 37 CFR 1.136 and/or any other relief is required, Applicant hereby petitions for any required relief including Extensions of Time and/or any other relief and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 50-2315 (Order No. 01-7096).

Respectfully submitted,



Jung-hua Kuo, Reg. No. 41,918 for
Peter Hsieh, Reg. No. 44,780
Plantronics, Inc.
345 Encinal Street
P.O. Box 635
Santa Cruz, CA 95060-0635
Telephone: (831) 458-7758
Facsimile: (831) 426-2965